

House Study Bill 512 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MEYER)

A BILL FOR

1 An Act relating to the definition of autism spectrum disorder
2 for purposes of certain health care coverage, making
3 conforming changes, and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 225D.1, subsection 2, Code 2022, is
2 amended to read as follows:

3 2. "*Autism*" means autism spectrum ~~disorders~~ disorder as
4 defined in [section 514C.28](#).

5 Sec. 2. Section 321.189, subsection 10, Code 2022, is
6 amended to read as follows:

7 10. *Autism spectrum disorder status*. A licensee who has an
8 autism spectrum disorder, as defined in [section 514C.28](#), may
9 request that the license be marked to reflect the licensee's
10 autism spectrum disorder status on the face of the license
11 when the licensee applies for the issuance or renewal of a
12 license. The department may adopt rules pursuant to chapter
13 17A establishing criteria under which a license may be marked,
14 including requiring the licensee to submit medical proof of the
15 licensee's autism spectrum disorder status. When a driver's
16 license is so marked, the licensee's autism spectrum disorder
17 status shall be noted in the electronic database used by
18 the department and law enforcement to access registration,
19 titling, and driver's license information. The department, in
20 consultation with the mental health and disability services
21 commission, shall develop educational media to raise awareness
22 of a licensee's ability to request the license be marked to
23 reflect the licensee's autism spectrum disorder status.

24 Sec. 3. Section 321.190, subsection 1, paragraph b,
25 subparagraph (6), Code 2022, is amended to read as follows:

26 (6) An applicant for a nonoperator's identification card
27 who has an autism spectrum disorder, as defined in section
28 514C.28, may request that the card be marked to reflect
29 the applicant's autism spectrum disorder status on the face
30 of the card when the applicant applies for the issuance or
31 renewal of a card. The department may adopt rules pursuant to
32 chapter 17A establishing criteria under which a card may be
33 marked, including requiring the applicant to submit medical
34 proof of the applicant's autism spectrum disorder status.
35 The department, in consultation with the mental health and

1 disability services commission, shall develop educational
2 media to raise awareness of an applicant's ability to request
3 the card be marked to reflect the applicant's autism spectrum
4 disorder status.

5 Sec. 4. Section 514C.28, subsection 1, Code 2022, is amended
6 to read as follows:

7 1. Notwithstanding the uniformity of treatment requirements
8 of [section 514C.6](#), a group plan established pursuant to chapter
9 509A for employees of the state providing for third-party
10 payment or prepayment of health, medical, and surgical coverage
11 benefits shall provide coverage benefits to covered individuals
12 under twenty-one years of age for the diagnostic assessment of
13 autism spectrum ~~disorders~~ disorder and for the treatment of
14 autism spectrum ~~disorders~~ disorder.

15 Sec. 5. Section 514C.28, subsection 2, paragraphs b, c, d,
16 j, and k, Code 2022, are amended to read as follows:

17 *b. "Autism service provider" means a person, or group*
18 *providing treatment of autism spectrum ~~disorders~~ disorder.*
19 *An autism service provider that provides treatment of autism*
20 *spectrum ~~disorders~~ disorder that includes applied behavioral*
21 *analysis shall be certified as a behavior analyst by the*
22 *behavior analyst certification board or shall be a health*
23 *professional licensed under [chapter 147](#).*

24 *c. "Autism spectrum ~~disorders~~ disorder" means any of the*
25 *pervasive developmental disorders including autistic disorder,*
26 *Asperger's disorder, and pervasive developmental disorders*
27 *not otherwise specified. The commissioner, by rule, shall*
28 *define "autism spectrum disorders" consistent with definitions*
29 *provided in the most recent edition of the American psychiatric*
30 *association's diagnostic and statistical manual of mental*
31 *disorders, as such definitions may be amended from time to*
32 *time. The commissioner may adopt the definitions provided in*
33 *such manual by reference a mental health condition that meets*
34 *the diagnostic criteria for such disorder as published in the*
35 *most recent edition of the diagnostic and statistical manual*

1 of mental disorders as published by the American psychiatric
2 association.

3 *d. "Diagnostic assessment of autism spectrum disorders*
4 *disorder"* means medically necessary assessment, evaluations,
5 or tests performed by a licensed physician, licensed physician
6 assistant, licensed psychologist, or licensed registered nurse
7 practitioner to diagnose whether an individual has an autism
8 spectrum disorder.

9 *j. "Treatment of autism spectrum disorders disorder"*
10 means treatment that is identified in a treatment plan and
11 includes medically necessary pharmacy care, psychiatric care,
12 psychological care, rehabilitative care, and therapeutic care
13 that is one of the following:

14 (1) Prescribed, ordered, or provided by a licensed
15 physician, licensed physician assistant, licensed psychologist,
16 licensed social worker, or licensed registered nurse
17 practitioner.

18 (2) Provided by an autism service provider.

19 (3) Provided by a person, entity, or group that works under
20 the direction of an autism service provider.

21 *k. "Treatment plan"* means a plan for the treatment of autism
22 spectrum ~~disorders~~ disorder developed by a licensed physician
23 or licensed psychologist pursuant to a comprehensive evaluation
24 or reevaluation performed in consultation with the patient and
25 the patient's representative.

26 Sec. 6. Section 514C.28, subsections 3, 7, and 10, Code
27 2022, are amended to read as follows:

28 3. Coverage is required pursuant to [this section](#) in a
29 maximum benefit amount of not more than thirty-six thousand
30 dollars per year but shall not be subject to any limits on the
31 number of visits to an autism service provider for treatment
32 of autism spectrum ~~disorders~~ disorder. ~~Beginning in 2014, the~~
33 The commissioner shall, on or before April 1 of each calendar
34 year, publish an adjustment to the maximum benefit required
35 equal to the percentage change in the United States department

1 of labor consumer price index for all urban consumers in the
 2 preceding year, and the published adjusted maximum benefit
 3 shall be applicable to group policies, contracts, or plans
 4 subject to this section that are issued or renewed on or after
 5 January 1 of the following calendar year. Payments made under
 6 a group plan subject to this section on behalf of a covered
 7 individual for treatment of a health condition unrelated to or
 8 distinguishable from the individual's autism spectrum disorder
 9 shall not be applied toward any maximum benefit established
 10 under this subsection.

11 7. This section shall not be construed to require coverage
 12 by a group plan of any service solely based on inclusion of the
 13 service in an individualized education program. Consistent
 14 with federal or state law and upon consent of the parent or
 15 guardian of a covered individual, the treatment of autism
 16 spectrum ~~disorders~~ disorder may be coordinated with any
 17 services included in an individualized education program.
 18 However, coverage for the treatment of autism spectrum
 19 ~~disorders~~ disorder shall not be contingent upon coordination of
 20 services with an individualized education program.

21 10. An insurer may review a treatment plan for treatment
 22 of autism spectrum ~~disorders~~ disorder once every six months,
 23 subject to its utilization review requirements, including
 24 case management, concurrent review, and other managed care
 25 provisions. A more or less frequent review may be agreed
 26 upon by the insured and the licensed physician or licensed
 27 psychologist developing the treatment plan.

28 Sec. 7. Section 514C.31, subsection 2, paragraphs b and d,
 29 Code 2022, are amended to read as follows:

30 *b. "Autism spectrum disorder" means a ~~complex~~*
 31 ~~neurodevelopmental medical disorder characterized by social~~
 32 ~~impairment, communication difficulties, and restricted,~~
 33 ~~repetitive, and stereotyped patterns of behavior~~ the same as
 34 defined in section 514C.28, subsection 2.

35 *d. "Treatment plan" means a plan for the treatment of an*

1 autism spectrum disorder developed by a licensed physician
2 or licensed psychologist after a comprehensive evaluation or
3 reevaluation performed in a manner consistent with the most
4 recent clinical report or recommendations of the American
5 academy of pediatrics. *"Treatment plan"* includes supervisory
6 services, subject to the provisions of subsection 5.

7 Sec. 8. APPLICABILITY.

8 1. The sections of this Act amending section 514C.28 apply
9 to plans established pursuant to chapter 509A for employees of
10 the state that are delivered, issued for delivery, continued,
11 or renewed in this state on or after January 1, 2023.

12 2. The section of this Act amending section 514C.31
13 applies to third-party provider payment contracts, policies,
14 or plans specified in section 514C.31, subsection 1, paragraph
15 "a", or to plans established pursuant to chapter 509A for
16 public employees other than employees of the state, that are
17 delivered, issued for delivery, continued, or renewed in this
18 state on or after January 1, 2023.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill is related to the definition of autism spectrum
23 disorder for purposes of certain health care coverage.

24 Under current law, "autism spectrum disorders" is defined as
25 any of the pervasive developmental disorders including autistic
26 disorder, Asperger's disorder, and pervasive developmental
27 disorders not otherwise specified. The commissioner of
28 insurance, by rule, is required to define "autism spectrum
29 disorders" consistent with definitions provided in the most
30 recent edition of the American psychiatric association's
31 diagnostic and statistical manual of mental disorders, and may
32 adopt the definitions provided in the manual by reference.
33 Under the bill, "autism spectrum disorder" is defined as a
34 mental health condition that meets the diagnostic criteria
35 for such disorder as published in the most recent edition of

1 the diagnostic and statistical manual of mental disorders, as
2 published by the American psychiatric association.

3 The sections of the bill that amend Code section 514C.28
4 apply to plans established pursuant to Code chapter 509A for
5 employees of the state that are delivered, issued for delivery,
6 continued, or renewed in this state on or after January 1,
7 2023. The section of the bill that amends Code section 514C.31
8 applies to third-party provider payment contracts, policies,
9 or plans specified in Code section 514C.31(1)(a), or to plans
10 established pursuant to Code chapter 509A for public employees
11 other than employees of the state, that are delivered, issued
12 for delivery, continued, or renewed in this state on or after
13 January 1, 2023.

14 The bill makes conforming changes to Code chapter 225D
15 (autism support program), Code section 321.189 (driver's
16 license — content), and Code section 321.190 (issuance of
17 nonoperator's identification cards — fee).